

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for State Board of Pharmacy  
Division of Law - 5<sup>th</sup> Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**FILED**

SEP 05 2007

**BOARD OF PHARMACY**

By: Marianne W. Greenwald  
Deputy Attorney General  
Tel. No. (973)648-4876

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

---

IN THE MATTER OF THE LICENSE OF

MARITZA SANCHEZ, R.P.  
License No. *20936*

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

---

:  
: Administrative Action  
:  
: CONSENT ORDER OF  
: VOLUNTARY SURRENDER  
: OF LICENSURE  
:  
:  
:

This matter was originally opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of information that respondent, while employed as a staff pharmacist at Kennedy Memorial Hospital, Washington Township, New Jersey, diverted for her own consumption, 285 tablets of Xanax, a Schedule IV Controlled Dangerous Substance, during the period of May 1, 2004 through May 15, 2005. On May 24 2006 respondent surrendered her license to practice pharmacy in the State of New Jersey, to be deemed a suspension, by way of a Consent Order filed with the board on May

25, 2006. Respondent requested reinstatement of her license in February of 2007.

In connection with that application for reinstatement respondent appeared before the full Board and testified as to her past treatment for substance abuse and her present efforts to maintain her sobriety. Respondent has entered into a S.A.R.P.H. monitoring contract on May 18, 2006. Kathy Simpson, director of Operations for S.A.R.P.H., has testified, and urine monitoring tests demonstrated that the respondent has remained abstinent since May 15, 2005, and that she has been in full compliance with all of the requirements of the S.A.R.P.H. Program. Respondent is continuing to participate in outpatient chemical dependency treatment. It appearing that respondent wishes to resolve this matter without the necessity of further formal proceedings, and for good cause shown;

**ACCORDINGLY, IT IS on this 5<sup>th</sup> day of SEPTEMBER, 2007,**

**ORDERED AND AGREED,**

1. Respondent shall submit documentation of her successful completion of 30 continuing education credits and pay all applicable fees to the Board including the fee for a criminal background check. Thereafter, the license to practice pharmacy of Maritza Sanchez shall be reinstated and placed on a probationary status for one (1) year subject to compliance with paragraphs 2 through 9 herein. If respondent violates any of the provisions of paragraphs 2 through 9 herein, in addition to the provisions

regarding suspension of license in paragraph 8 below, the Board may initiate proceedings to revoke her license to practice pharmacy.

2. (a) Maritza Sanchez shall submit to random urine monitoring a minimum of three (3) times per month at a laboratory facility approved by the board for the duration of the probation. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b) All test results including any secondary test results shall be provided directly to Joanne Boyer, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be

deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Joanne Boyer, or her designee. Personnel at the lab facility or S.A.R.P.H. Program shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of her inability to appear for a test within two (2) days, e.g., a physician's report attesting that she was so ill that she was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(e) any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.009 shall create a rebuttable presumption of a confirmed positive urine test. Such

specimen shall be immediately subjected to the confirming GC/MS test.

(f) Respondent shall familiarize herself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

3. Respondent shall continue her compliance with the S.A.R.P.H. As set forth in the contract, and shall comply with any recommended therapeutic regimen for treatment or counseling. Respondent shall be responsible for ensuring that any treating psychiatrist/psychologist and any other person(s) providing therapy for her substance abuse provide quarterly reports regarding her progress in counseling directly to the Board.

4. Respondent shall attend support groups, including NA or AA not less than three (3) times per week. Respondent shall provide evidence of attendance at such groups directly to the Board. If respondent discontinues attendance at any of the support groups without obtaining approval of the board, she shall be deemed in violation of this Order.

5. Respondent shall abstain from the use of alcohol and controlled dangerous substances except pursuant to a bona fide

prescription written by a physician or dentist for good medical or dental cause in her own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of her history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication for her which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

6. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to, and utilized by the Board in a timely manner.

7. Respondent shall give written notice to the Board, and provide a written copy of this Order to her employer, prior to beginning or changing any employment, and shall insure that the employer notifies the board in writing that he or she received the Order.

8. (a) Respondent shall be subject to an order of automatic suspension of her license upon the board's receipt of any information which the Board, in its sole discretion, deems reliable

demonstrating that respondent has failed to comply with any of the conditions set forth in this consent Order, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of alcohol or drug abuse.

(b) respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

9. Respondent shall not be a pharmacist-in-charge, a preceptor, or a permit holder for the duration of the probationary period.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward H McGinley  
Edward McGinley, R.Ph.  
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

Maritza Sanchez  
Maritza Sanchez, R.P.